

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

MEETING OF THE COMMISSION OF FINE ARTS

20 February 1997

AM 10:00 CONVENE, 441 F Street, N.W., Washington, D.C. 20001

I. ADMINISTRATION

A. Approval of minutes:

16 January 1997

B. Dates of next meetings:

20 March 1997

17 April 1997

C. Publication in Federal Register of Final CFA Procedures and Policies 31 January 1997: 45 CFR Parts 2101, 2102 and 2103.

D. Mall Streetscape Manual: Draft Policy on Security Measures for the Monumental Core. Discussion.

II. SUBMISSIONS AND REVIEWS

A. National Park Service

CFA 20/Feb97-1, The White House. Periphery security measures adjacent to grounds of Sherman Memorial and First Division Memorial. Concept design. (POSTPONED)

B. General Services Administration

CFA 20/Feb/97-2, F Street Mall. Reopening to traffic F Street between 7 & 9th streets and 8th Street between E & F streets. Design.

C. Department of the Treasury

CFA 20/Feb/97-3, U.S. Mint. Jackie Robinson Commemorative one dollar silver and five dollar gold coins. Design.

III. SUBMISSION AND REVIEWS continued,

D. District of Columbia Department of Consumer and Regulatory Affairs

1. Old Georgetown Act

Appendix I.

2. Shipstead-Luce Act

- a. SL 97-13, 1776 D Street, N.W. Daughters of the American Revolution. Sign scheme. Permit.
- b. SL 97-12, 806 15th Street, N.W. Shoreham Building. Construction of new building behind existing street facades. Permit. (Previous: SL 93-90; reviewed 29 July 1993.)
- c. SL 97-19, 3100 Macomb Street, N.W. Washington International School. Addition of new arts and athletic facility. Conceptual.
- d. SL 97-21, 2801 Chesterfield Place, N.W. Addition of swimming pool and dining room. Conceptual.
- e. SL 97-22, 600 Maryland Avenue, S.W. Department of Agriculture Technical School. Marquee and sign. Conceptual.
- f. Appendix II.

III. FREER GALLERY OF ART

Inspection of proposed acquisitions.

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MEMORANDUM TO: Members

FROM: Secretary *AK*

DATE: 14 February 1997

SUBJECT: 20 February 1997 Meeting

The National Park Service has withdrawn the White House project from our agenda at the last minute. Thus the pre-meeting tour scheduled for 8AM has been cancelled - the meeting will begin at 10AM.

OLD GEORGETOWN SUBMISSIONS

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-16	3513 N Street, N.W.	Alterations
HPA. 97-39	Holy Trinity Catholic Church	and additions - design development - conceptual

ACTION: No objection to concept design development for proposed alterations and additions to the historic Holy Trinity Church complex as shown in supplemental drawings received and dated 13 February 1997. Note is made that this major project has received full community support. See attached ANC 2E report. Submit working drawings with permit application for review by the Commission when ready.

O.G. 97-29	3120 M Street, N.W.	Awnings, planters
HPA. 97-66	Caafe Haagen-Dazs	and signs - conceptual

ACTION: No objection to concept design for proposed awnings, planters, signs and lighting scheme as shown in supplemental drawings received and dated 6 February 1997. Principal sign reading "Caafe Haagen-Dazs" will have lettering no greater than 12 inches in height. Submit working drawings and permit application for Commission review when ready.

O.G. 97-34	1058 30th Street, N.W.	Alterations
HPA. 97-83	Brettonwood Limited Residence	to front and rear - permit

ACTION: No objection to issuance of permit for proposed exterior alterations as shown in supplemental drawings received and dated 5 February 1997, including new window openings, true-divided-light window replacements, door surround and skylight. Working drawings conform to approved concept. See previous Action (O.G. 97-31).

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-35	3014-3020 Dent Place, N.W.	Replacement
HPA. 97-84	Abaris Realty Condominiums	of fire exit stairs - permit

ACTION: No objection to issuance of permit for proposed replacement of fire escape stairs throughout complex. No objection to replacement of existing stockade fencing with metal grilles.

O.G. 97-36	3122 P Street, N.W.	Alterations and
HPA. 97-85	Elizabeth Porter Residence	porch addition - conceptual

ACTION: Returned without Action. Case superseded by case O.G. 97-42.

O.G. 97-37	3000 M Street, N.W.	Alterations,
HPA. 97-86	Equistar Latham Co., LLC The Latham Hotel	entrance marquee and awnings - permit

ACTION: No objection to issuance of permit for proposed alterations to interior courtyard and M Street entrance bay, including the addition of a marquee, second floor awnings, flag poles and lighting. Working drawings conform to approved concept. See previous Action (O.G. 97-13).

O.G. 97-38	3067 M Street, N.W.	Projecting sign
HPA. 97-87	East Bank Inc. 9 & Co.	- permit

ACTION: No objection to issuance of permit for proposed non-illuminated projecting sign reading "9 & Co." as shown in supplemental drawings received and dated 24 January 1997 which indicate 12 inch high letters. Working drawings conform to recommendations made during concept review. See previous Action (O.G. 97-24). Additional signs will be installed within the store 18 inches or more behind the face of the building.

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-39	1639 Wisconsin Avenue, N.W.	Alterations
HPA. 97-88	John W. Sherwood Trust	and addition
	One Hour MotoPhoto	of bay window
		- conceptual

ACTION: No objection to concept design for alterations and bay window addition to commercial structure. Supplemental drawings received and dated February 1997 indicate that existing masonry wall is not to be altered, that proposed bay window has been reduced in depth to four (4) feet and that ornamental embellishment at windows and door has been simplified. Submit working drawings with permit application for review by Commission when ready.

O.G. 97-40	1660 33rd Street, N.W.	Sign -
HPA. 97-91	Hamid Afshar	permit
	Book Rack	

ACTION: No objection to issuance of permit for proposed 1'-6" by 7'-9" sign reading "Book Rack" containing lettering no greater than 10 1/2 inches in height as shown in supplemental drawings received and dated 7 February 1997.

STATUS REPORT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 96-112	3208 Reservoir Road, N.W.	Addition of
HPA. 96-268	Reza Amirkhalili	fourth floor
	Residence	- conceptual

STATUS: On HOLD for future Old Georgetown Board meeting for further discussion at the written request of the applicant.

O.G. 96-156	3233 Reservoir Road, N.W.	Landscaping
HPA. 96-371	Robert Bass	- revised
	Residential garden	design -
		conceptual

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

O.G. 97-15	3141 M Street, N.W.	Information
HPA. 97-38	(1201 Wisconsin Avenue, N.W.)	kiosk -
	Riggs Bank	revised design
	Georgetown BID	- conceptual

STATUS: On HOLD for future Old Georgetown Board meeting for further discussion with applicant.

O.G. 97-18	2805 O Street, N.W.	Parking area
HPA. 97-41	Marta Braga	- additional
	Residence	information
		- permit

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-19	2715 M Street, N.W.	Flagpole, sign
HPA. 97-50	Embassy of Uruguay	and plaque - conceptual

STATUS: On HOLD for future Old Georgetown Board meeting for further discussion with applicant.

O.G. 97-27	3323 P Street, N.W.	Second floor
HPA. 97-68	Robert and Mary Moore Residence	addition over garage - conceptual

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

O.G. 97-32	1315 28th Street, N.W.	Alterations
HPA. 97-81	Wallace Kornack Residence	to front - conceptual

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

O.G. 97-33	3077 M Street, N.W.	Alterations and
HPA. 97-82	3067 M Street. LLC Retail/commercial	rear addition - conceptual

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

O.G. 97-41	1015 Wisconsin Avenue, N.W.	Internally
HPA. 97-80	Washington Circle Theatres Enterprise Rent-A-Car	illuminated sign - permit

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

20 February 1997

APPENDIX IB

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-42	3122 P Street, N.W.	Alterations and
HPA. 97-93	Elizabeth Porter	porch addition
	Residence	- permit

STATUS: On HOLD for Old Georgetown Board meeting 6 March 1997 for further discussion with applicant.

ADDENDUM

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 97-39	1639 Wisconsin Avenue, N.W.	Alterations
HPA. 97-88	John W. Sherwood Trust	and addition
	One Hour MotoPhoto	of bay window
		- conceptual

ACTION: No objection to concept design for alterations and bay window addition to commercial structure, provided that existing masonry wall is not altered, that proposed bay window is reduced in depth to four (4) feet and that ornamental embellishment at windows and door is simplified, retaining original architectural elements. Submit working drawings with permit application for review by Commission when ready.

SHIPSTEAD-LUCE SUBMISSIONS

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
S.L. 97-14	500 H Street, N.W. LaSalle National Bank Red Roof Inn	Signs and canopies - permit

ACTION: No objection to issuance of permit for installation of three proposed internally-illuminated signs reading "Red Roof Inn" and two sign boxes depicting translation into Chinese characters, to conform with requirements of the Chinatown District, as shown in supplemental drawings received and dated 19 February 1997. Location of signs is approved, including alley sign provided that it conforms to District code. No objection to recovering of existing canopies with maroon fabric. Submit permit application for additional sign for restaurant for Commission review when ready.

S.L. 97-20	1299 Pennsylvania Avenue, NW	Marquee
HPA. 97-104	The Kaempfer Co.	and sign
	The Warner Theatre	- permit
	John Harvard's	

ACTION: No objection to issuance of permit for proposed entrance marquee on 13th Street with sign reading "John Harvard's". Marquee uses details of existing corner marquee and matches materials and color.

S.L. 97-23	1500 Portal Drive, N.W.	Enclosure of deck,
	Roland Richardson	new garage and
	Residential	retaining walls
		- permit

ACTION: No objection to issuance of permit for enclosure of rear deck, 3'-0" extension of existing addition, garage under one story addition, and modifications to driveway and retaining walls, all of which is already under construction. The Commission is disturbed at the applicant's continued disregard for the permit process and the opportunity to comment on the design at an early stage prior to construction.

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MEETING OF THE COMMISSION OF FINE ARTS

20 February 1997

The meeting was convened at 10:12 a.m. in the Commission of Fine Arts offices in the Pension Building, 441 F Street, N.W.

Members present: Hon. J. Carter Brown, Chairman
Hon. Harry G. Robinson, III, Vice-Chairman
Hon. Carolyn Brody
Hon. Barbaralee Diamonstein-Spielvogel
Hon. Eden Rafshoon
Hon. Susan Porter Rose

Staff present: Mr. Charles H. Atherton, Secretary
Mr. Donald B. Myer, Assistant Secretary
Mr. Jeffrey R. Carson
Mrs. Sue Kohler
Mr. José Martínez-Canino

National Capital
Planning Commission
staff present: Ms. Margot Stephenson

I. ADMINISTRATION

A. Approval of minutes of the 16 January meeting. The minutes were approved without objection.

B. Dates of next meetings, approved as:

20 March 1997
17 April 1997

The Secretary noted that the GSA Design Awards presentation would be made on 20 March, following the meeting, and that the members might want to attend. He noted that the awards would be presented by the commissioner of the Public Buildings Service, former CFA member Robert Peck.

C. Publication in Federal Register of Final CFA Procedures and Policies 31 January 1997: 45 CFR Parts 2101,

2102, and 2103. The Secretary noted the publication, saying the new rules would be effective 3 March. Exhibit A

D. Mall Streetscape Manual: Draft Policy on Security Measures for the Monumental Core. Discussion. Staff member Jeffrey Carson recalled that he had been involved with the Mall Streetscape Manual since 1990; he noted that the work of the Interagency Initiative for the National Mall Road Improvement Program, which had produced the manual, had brought about the realignment of 15th Street in the Mall area, and the rebuilding of both Independence and Constitution avenues. He said the last part of the manual would be devoted to security measures, and he had been asked to prepare a draft. He noted that the members had received a copy by mail and said he would be pleased to have their comments. He also reported that he had been appointed chairman of the architectural and engineering sub-group of the Interagency Initiative group.

Mr. Carson discussed his draft briefly, saying that it recommended proceeding on a case-by-case basis, rather than developing a single program and trying to fit it to individual situations. The Secretary observed that there had been a spirited debate among the staff members about the proliferation of different kinds of security devices, and while it was agreed that some degree of uniformity was desirable, the big question was when and how to depart from it in order to address special circumstances. Mr. Carson commented on the increasing interest in passive landscape measures, such as berms, which could be seen in the designs for the Museum of the American Indian.

The Chairman and the other members congratulated Mr. Carson on his work and had no changes to recommend; the draft was then unanimously approved. Exhibit B

II. SUBMISSIONS AND REVIEWS

A. National Park Service

CFA 20/FEB/97-1, The White House. Periphery security measures adjacent to grounds of Sherman Memorial and First Division Memorial. Concept design. (Postponed by the Park Service.)

B. General Services Administration

CFA 20/FEB/97-2, F Street Mall. Reopening to traffic of F Street between 7th and 9th streets and 8th Street between E & F streets. Design. The Assistant Secretary recalled the closing of this section for the Streets for People development

in the early 1970s and the failure of the program to attract shoppers and strollers to the area; he observed that it had been quite successful in attracting vagrants and drug dealers. He showed drawings and slides of the area as it had looked when first completed, noting that lack of funding had prevented the information kiosks from being operational at all, and that the fountains had been only marginally so. Recently, Mr. Myer recalled, PADC had planted rose bushes where the central fountain had been, and they had succeeded admirably in attracting plastic bags and other trash.

Mr. Myer said the proposal to be presented at this meeting involved opening the streets to traffic, keeping most of the sidewalk pavement and the trees, and replacing what remained of the special light fixtures with the standard Washington twin-twenty Bacon fixtures. He said that since PADC had gone out of business, GSA had taken over the area, stabilized the buildings across from the Portrait Gallery, and worked with the Department of Transportation on the street-opening project. He noted that the other part of the Streets for People project included G Street between 9th and 10th streets, in front of the Martin Luther King Library, but he said that street was not scheduled for reopening at this time. Jack Finberg from GSA was then introduced to discuss the proposal in more detail.

Mr. Finberg said the opening of F and 8th streets was actually a requirement of the agreement between the city and the MCI Arena organization, and that GSA had been working with the Federal Highway Administration to implement it. Commenting on the condition of the immediate area, he noted that the former Tariff Commission building, a landmark designed by Robert Mills, had been cleaned up and stabilized, and that GSA hoped to interest the private sector in a long-term lease. Work would also be done on the Atlas-LeDroit buildings to make them look at least presentable while awaiting rehabilitation. Mr. Finberg then asked Jack Van Dop from the Federal Highway Administration to discuss plans for the street opening.

Mr. Van Dop said part of the agreement with the MCI Center was that the District's Office of Planning would prepare a revitalization plan for the Gallery Place area which would include a streetscape study; until that happened, current proposals were to leave anything outside the curb lines in place. He pointed out also that when the buildings were rehabilitated the sidewalks and streets would have to be reconstructed. The streets themselves would be paved in concrete with designated crosswalks in red concrete, scored in a simple pattern; he noted that as the District would have to maintain the streets, they did not want to contend with brick pavers, which had caused problems with maintenance and safety

elsewhere. Some of the granite blocks now in the street area would be used to mark the crosswalks and give the streets a special character. There would also be signs installed at the intersections directing people to events and facilities at the various buildings and museums in the Gallery Place area.

The Vice-Chairman wondered if a material finer than concrete, especially red concrete, couldn't be used in this very special place, a place about to be overwhelmed by the massive size of the MCI Center. He mentioned the use of pavers at Howard University and asked if the staff might be able to sit down with representatives from the District government and talk about possible alternatives.

(Mrs. Rose entered the meeting at this point.)

The Chairman noted that the usual paving material for District streets was macadam, and he thought the concrete was probably chosen because it was different and would have a special quality. Mr. Van Dop agreed and said the District did not have the money for anything that would require extra maintenance. Mr. Finberg thought the tree planting, sidewalk paving, and character of the buildings would give the place a special feeling. Mr. Van Dop added that the new curbs would be granite and the gutters brick, a continuation of the PADC area treatment.

The Secretary said he had been asked by the director of the Portrait Gallery to inquire about the possibility of having a drop-off in front of his building. Mr. Finberg said they did not want to do this for several reasons, one of which was the possibility that the Smithsonian might at some time want to restore the flight of stairs that was originally at this entrance. Mr. Van Dop said another reason was that pedestrians would be crossing at that point and there would be a conflict between vehicles and people; there would also be a traffic problem with cars making U-turns into an intersection after having dropped people off. He said that for all practical purposes there would be a drop-off, because no parking would be allowed between the crosswalks.

Ms. Diamonstein asked whether the proposal to put the stairs back was a serious one. Mr. Van Dop said the Smithsonian would like to see it done, but, as usual, it was a question of money. There was a discussion with Mrs. Rose about the possibility of adding another drop-off parking space on the outer side of each crosswalk. There were no further questions, and the street reopening was then unanimously approved, with the comments made. Exhibit C

C. Department of the Treasury

CFA 20/FEB/97-3, U. S. Mint. Jackie Robinson

commemorative one-dollar silver and five-dollar gold coins. Design. (Postponed by the Mint.)

D. District of Columbia Department of Consumer and Regulatory Affairs

1. Old Georgetown Act

Appendix I. The Appendix was approved without objection.

2. Shipstead-Luce Act

a. SL 97-13, 1776 D Street, N.W. Daughters of the American Revolution. Sign scheme. Permit. Staff member José Martínez noted that the site was a very special one in a sensitive area, near the White House. He showed photographs of Memorial Continental Hall facing 17th Street and Constitution Hall facing 18th Street, noting that they were landmark structures and that the D.C. Historic Preservation Review Board would also be reviewing the sign submissions. He said the architects, KressCox and Associates, had prepared several alternate designs, and the staff, too, had suggestions to offer; he added that the review should involve not only the design of the signs, but the location and orientation as well. Mr. Martínez then introduced architect David Cox to make the presentation.

Mr. Cox said the new sign program was being driven primarily by the need to give some visual recognition to Constitution Hall. He described the 3,500 seat auditorium on 18th Street, designed by John Russell Pope in 1929. He noted there was no parking and people were having difficulty finding the building after having parked on various neighboring streets or on the Mall. He said he was looking at the corners of 18th and C and 18th and D as being the most appropriate places for signs, but was having trouble fitting them into the overgrown landscaping. He said there would also be corner signs at 17th Street announcing the original DAR building, Memorial Continental Hall. In fact, an entirely new sign package was being proposed which would replace all the signs that had proliferated around the buildings with new ones of a unified design. At mid-block on C Street there would be a sign at the curb cut giving information on handicapped access, rear stage entrance, etc., and at the same point on D Street a sign marking the entrance to the DAR Library.

Mr. Cox showed two design proposals. The first treated the signs as classical "buildings", with a base, body and top. The base would be stone-colored, pre-finished aluminum, the body a darker bronze aluminum, and the top, in the form of a classical moulding, a bronze-colored polymer material.

Lettering would be Times Roman. The corner signs would be 5-feet high and 6-feet long; the mid-block signs smaller and vertical rather than horizontal. The corner signs would be placed at a 45 degree angle and lit by floodlights flush with the ground. The hedge around Constitution Hall would be removed at the corners so that the signs would be visible.

The alternate design for the signs showed stone bases with an aluminum sign above, separated from the base by two metal supports. The colors would be similar to the first design, as would the dimensions. Rather than being placed at a 45 degree angle, however, the corner signs were shown parallel to the side streets. There was general agreement that the first design was preferable. Mr. Cox commented that the staff thought the signs should be slightly lower, but he said he was afraid that would reduce their visibility at Constitution Hall.

Mr. Carson asked to comment. He said the staff agreed that Constitution Hall needed more visible signage, but there was some concern about applying the same criteria to Memorial Continental Hall on 17th Street, which was not used to the same extent by the public. He noted also that there was already an existing grouping of signs at the entrance, some of which would remain, including bronze plaques on either side of the entrance drive. He mentioned also a plastic sign on the building wall itself. In addition, he said the Red Cross would soon be submitting a similar sign program for their "campus" next door, adding to the profusion of signs around these two landmarks. He said the staff had hoped for something a little more discreet, and for signs that would respect the orthogonal grid of these Beaux-Arts structures rather than being placed on the diagonal. Mr. Martinez added that the staff was also concerned about the change in material for the moulding at the top of the signs; the concern was that the aluminum and polymer materials would age differently, and the color would no longer be the same.

Mr. Cox said all the original bronze plaques fixed to the limestone walls would remain, but other recent signs would be removed. Ms. Diamonstein was sympathetic to the staff's concern about the weathering of the different materials, and she asked Mr. Cox if he would investigate that further and see if the moulding could not be made of aluminum; he agreed to look into it. She also remarked that the use of an ampersand in the "Museum & Library" sign in close proximity to the handicapped symbol was somewhat confusing, since they were of similar size and shape; she suggested using the word "and" instead. The first design scheme for the signs was then unanimously approved, with the recommendations made.

Exhibit D

b. SL 97-12, 806 15th Street, N.W. Shoreham Building. Construction of new building behind existing street facades. Permit. (Previous: SL 93-90; reviewed 29 July 1993.) Mr. Carson noted that the building was in the Financial Historic District, on the corner of 15th and H streets, N.W. He recalled the 1993 approval, which was for retaining only the two street facades and demolishing the interior. The elements of the lobby areas would be put in storage and reconstructed at a later date. He said it was being submitted for final approval, and he noted the presence of architect Shalom Baranes, if the Commission wanted a presentation. The Chairman asked what changes had been made. Upon hearing that it was the same design the Commission had approved in 1993, he told Mr. Baranes that no further review was necessary. Exhibit D

c. SL 97-19, 3100 Macomb Street, N.W. Washington International School. Addition of new arts and athletic facility. Conceptual. Mr. Martínez located the school on an aerial photograph and recalled the Commission's approval, in 1987, of a new classroom building on the site, and of a temporary classroom structure that would be removed at this time. He said there were also several service buildings that would be removed for the new three-story arts center and one-and-one-half story gymnasium. He then introduced Bill Gridley from Bowie Gridley Architects to make the presentation.

Mr. Gridley talked briefly about the site, commenting that it was part of an estate called Tregaron; he said the main house and several outbuildings designed by Charles Platt were still there. He pointed these out on a site plan, and then showed the location of the International School buildings, on the west side of the estate, noting that the school was entered on the north, from Macomb Street, and the exit was to the southeast, on Klinge Road. He pointed out and described several small buildings that would be demolished for the new arts classrooms and gymnasium building, noting that in order to break down the mass, there would be two separate buildings, joined by a connecting unit. The classroom unit, on the uphill side, would be partially built into the hill, with the below-grade space used as support for the gymnasium, which would also be partially below-grade and appear as a one-story building from Macomb Street. Architectural details on both structures would come from Platt's buildings.

Mr. Gridley said they had worked closely with the Cleveland Park Historical Society and the District's Historic Preservation Review Board, and a number of changes had been made; the gym was about 20 percent smaller, it had been pushed back farther from Macomb Street, and an increased effort had

been made to save the trees on the site and to make provision for planting new ones. He talked next about consolidating the parking, pointing out the new areas and saying they would be well-screened with various kinds of shrubs. He then discussed the landscaping in general; he said it would consist of indigenous plants similar to those already on the site.

The Chairman asked about the detailing of the small stage projection on the gym; he thought the blank wall rather forbidding and asked if there couldn't be windows or at least blind arcades there to provide a little light and shade and make it more friendly. Mr. Gridley said he would prefer that, but the neighbors were worried about noise and light and preferred to have a blank wall. The members all thought that was a mistake and urged Mr. Gridley to talk to the neighbors again and tell them the Commission's concerns. Other than that detail, there were no objections to the conceptual designs, and they were unanimously approved. Exhibit D

d. SL 97-21, Chesterfield Place, N.W. Addition of swimming pool and dining room. Conceptual. Mr. Carson recalled that the Commission had reviewed plans for this property several times in the past. First, as a large tract of land was involved, there was a proposal to subdivide it and erect 4-5 houses on the steep hillside that would have radically altered the view from the park. This did not materialize, and later, the owner of the existing stone house on the property requested several additions which had since been built. The current proposal was for further additions--a dining room, and a pool which would extend toward the park and require retaining walls. Mr. Carson then introduced Jan Ochab from Harpole Architects to show drawings and discuss his proposal.

Mr. Ochab's drawings showed a dining room addition that would repeat the style and materials of the living room bay so that it would look like part of the original construction. The Chairman questioned the view of the retaining walls from the park, and Mr. Carson said the architect had been asked to bring in landscaping plans that would provide plant growth, probably English ivy, to cover the walls. The Commission was pleased with the concept designs and unanimously approved them. Exhibit D

e. SL 97-22, 600 Maryland Avenue, S.W. Department of Agriculture Technical School. Marquee and sign. Conceptual. Mr. Martínez said this submission was for the addition of a sign and marquee to a commercial building, for the purpose of announcing the location of the USDA graduate school. He introduced Keith Waller from the school.

Mr. Waller said the school had been at this location for some time and wanted to extend the lease for fifteen years. Because of the long-term nature of the lease, they wanted some improved visibility and identity on the exterior as well as interior improvements to provide a more campus-like environment. He asked architect Ken Wilson from Core Group, Architects, to discuss the sign and marquee plans.

Mr. Wilson said there would actually be a new entrance that would relate better to the interior plan and respond to the plaza, Maryland Avenue and the Metro. He showed drawings, noting that the marquee would be pulled away from the building and so would have minimal structural impact. He said he had kept to the existing palette of materials and colors when designing the canopy. Noting the 7-foot-high windows next to it, which he considered very low for a main entrance, he said he had raised the canopy through the addition of some store front details so that it would be 10-feet tall, making the entrance at least visually higher and more impressive.

The Chairman and Vice-Chairman both expressed their satisfaction with the design, noting that it fit in well with the building and added a bit of excitement to it. There were no questions for Messrs. Waller and Wilson, and the alterations were unanimously approved. Exhibit D

f. Appendix II. The Appendix was approved without objection.

Discussion items not on the agenda.

The Assistant Secretary said there were two Georgetown administrative items he would like to discuss.

The first concerned the alterations at Holy Trinity Church, approved in concept by the Commission in July 1996 and on this meeting's Appendix for final approval. He passed around a letter from Ruth France, chairman of the Citizens Association of Georgetown Historic Preservation Committee, expressing her view, and that of a number of other people, that the proposal for adding skylights to the original 18th-century church was not appropriate. This view was made known to the Georgetown Board, but the members disagreed with it and approved the design with the skylights. Ms. France asked in her letter that the Commission consider reversing the board's position. The Assistant Secretary commented that the purpose of the skylights was to illuminate the original rafters as part of the restoration and adaptive reuse of the church. He explained that the church had been subdivided and used as an office for years and would now be restored and used as a chapel.

The Chairman asked how visible the skylights would be from the street and was told that they would really not be visible from anywhere. Ms. Diamonstein asked if the skylights were elevated above the roof line; Mr. Myer said they were not, that they would be flush with the gable. Ms. Diamonstein then asked about the color, and Mr. Myer said that was a good question, and they could certainly match the roofing. Ms. Diamonstein commented that she was happy that the question was not in the Commission's jurisdiction (since the skylights were not visible from public space) because she would have to agree that skylights did not belong on a 1794 church. Mr. Myer said he would pass the Commission's comments on to Ms. France.

Exhibit E

The second item concerned the demolition of the house at 3245 O Street, N.W., denied by the Commission at the January meeting. Franz Oppenheimer, one of the attorneys who had testified at that meeting, had written a letter asking that the Commission formally request the Corporation Counsel to enforce the civil and criminal penalties provided by District of Columbia law against the owners and request the court for an order to make them sell or restore the house. In answer to Ms. Diamonstein's question as to why the neighbors could not do this themselves, Mr. Myer said they already had, but were afraid the city would proceed so slowly that the house would continue to be ignored and deteriorate further. Mrs. Rose commented that the Commission had taken its action, and should not get involved in the neighbors' lawsuit. Ms. Diamonstein said she was pleased that the neighbors were pursuing this problem, but she did not know what the precedent was for Commission involvement. The Assistant Secretary said there was none, and the Secretary agreed, adding that he would be hesitant to get involved; he said the Commission's job was to advise on projects brought before it, not to recommend how its advice was enforced. Ms. Diamonstein thought the Commission should have some kind of policy, if this kind of thing occurred again, and she asked if there was perhaps some legislation that could be read to determine if action in this case was indeed outside the Commission's normal scope. The Chairman suggested that since the Justice Department was the Commission's legal adviser, it might be worthwhile to consult someone there. Exhibit F

Before the meeting was adjourned, the Secretary commented on the copies of Mrs. Kohler's updated (through 1995) version of the Commission's Brief History at each member's place, noting that numerous problems with the printer had delayed publication for many months. For those members not acquainted with the book, he said it was first published in 1976 as a replacement for the Commission's annual reports and was updated every four to five years by adding a new chapter at the end.

The meeting was adjourned at 11:49 a.m.

III. FREER GALLERY OF ART

Inspection of proposed acquisitions. After lunch the members left for the Freer Gallery, where they inspected and approved a number of objects for acquisition. Exhibit G

Signed,



Charles H. Atherton,
Secretary

and address of the pharmacy or practitioner who dispensed the substance and the prescription number, if any; and

(c) The importation of the controlled substance for personal medical use is authorized or permitted under other Federal laws and state law.

Dated: January 2, 1997.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 97-2352 Filed 1-30-97; 8:45 am]

BILLING CODE 4410-00-M

COMMISSION OF FINE ARTS

45 CFR Parts 2101, 2102, and 2103

Procedures and Policies

AGENCY: The Commission of Fine Arts.

ACTION: Final rule.

SUMMARY: This document amends the procedures and policies governing the administration of the U.S. Commission of Fine Arts. The current wording is incomplete and has become obsolete or incorrect in several of its parts. This document serves to clarify the functions and requirements of the agency in order to address more efficiently the needs of the Federal government and the public.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT:

Charles H. Atherton, Secretary,
(202) 504-2200.

SUPPLEMENTARY INFORMATION: As established by Congress in 1910, the Commission of Fine Arts is a small independent advisory body made up of seven Presidentially appointed "well qualified judges of the arts" whose primary role is architectural review of designs for buildings, parks, monuments and memorials erected by the Federal or District of Columbia governments in Washington, D.C. In addition to architectural review, the Commission considers and advises on the designs for coins, medals and U.S. memorials on foreign soil. The Commission also advises the District of Columbia government on private building projects within the Georgetown Historic District, the Rock Creek Park perimeter and the Monumental Core area. The Commission advises Congress, the President, Federal agencies, and the District of Columbia government on the general subjects of design, historic preservation and on orderly planning on matters within its jurisdiction.

The regulations revised in this rule were last published in the *Federal Register* on November 21, 1979 (44 FR

67050). Specific items this document amends include providing the current address and telephone number of the agency, publishing formerly omitted Public Laws for which the agency is responsible (Heraldic services provided by the Department of the Army, 10 U.S.C. 4594; Commemorative Works, 40 U.S.C. 1001), clarifying a series of procedural functions, and in general correcting ambiguous or grammatically questionable phraseology. Therefore, as these changes clarify established procedures and are minor in nature, the Commission determines that notice and comment are unnecessary and that, in accordance with 5 U.S.C. 553 (b)(B), good cause to waive notice and comment is established.

List of Subjects

45 CFR Part 2101

Organization and Functions
(Government agencies).

45 CFR Part 2102

Administrative practice and
procedure, Sunshine Act.

45 CFR Part 2103

Administrative practice and
procedure.

This document was prepared under the direction of Charles H. Atherton, Secretary, U.S. Commission of Fine Arts, 441 F Street, N.W., Suite 312, Washington, D.C., 20001.

Accordingly, for the reasons set forth above, Parts 2101, 2102, and 2103 are amended as set forth below.

Signed at Washington, D.C., this 24th day of January, 1997.

Charles H. Atherton,

Secretary, U.S. Commission of Fine Arts.

CFA hereby revises 45 CFR Parts 2101, 2102 and 2103 to read as follows:

PART 2101—FUNCTIONS AND ORGANIZATION

Subpart A—Functions and Responsibilities of the Commission

Sec.

2101.1 Statutory and Executive Order authority.

2101.2 Relationships of Commission's functions to responsibilities of other government units.

Subpart B—General Organization

2101.10 The Commission.

2101.11 Secretary to the Commission.

2101.12 Georgetown Board of Architectural Consultants.

Authority: Pub. L. 81-808, 64 Stat. 903; 10 U.S.C. 4594; 36 U.S.C. 124; 40 U.S.C. 72, 104, 106, 121, 1001; E.O. 1259 of October 25, 1910; E.O. 1862 of November 28, 1913; and E.O. 3524 of July 28, 1921.

Subpart A—Functions and Responsibilities of the Commission

§ 2101.1 Statutory and Executive Order Authority.

The Commission of Fine Arts (referred to as the "Commission") functions pursuant to statutes of the United States and Executive Orders of Presidents, as follows:

(a) *Public buildings, other structures, and parklands.* (1) For public buildings to be erected in the District of Columbia by the federal government and for other structures to be so erected which affect the appearance of the city, the Commission comments and advises on the plans and on the merits of the designs before final approval or action;

(2) For statues, fountains and monuments to be erected in the District of Columbia under authority of the federal government, the Commission advises upon their location in public squares, streets, and parks, and the merits of their designs;

(3) For monuments to be erected at any location pursuant to the American Battle Monuments Act, the Commission approves the designs before they are accepted by the American Battle Monuments Commission (See also § 2101.1 (g));

(4) For parks within the District of Columbia, when plans of importance are under consideration, the Commission advises upon the merits of the designs; and

(5) For the selection by the National Capital Planning Commission of lands suitable for development of the National Capital park, parkway, and playground system in the District of Columbia, Maryland, and Virginia, the Commission provides advice.

(b) *Private buildings bordering certain public areas in Washington, D.C. (Shipstead-Luce Act).* For buildings to be erected or altered¹ in locations which border the Capitol, the White House, the intermediate portion of Pennsylvania Avenue, the Mall Park System, Lafayette Park, the Zoological Park, Rock Creek Park or Parkway, or Potomac Park or Parkway, or are otherwise within areas defined by the official plats prepared pursuant to Sec. 2 of the Shipstead-Luce Act, the Commission reviews the plans as they relate to height and appearance, color and materials of the exteriors, and

¹ Alteration does not include razing (*Commissioner of the District of Columbia v. Bennenson*, D.C. Court of App. 1974, 329 A.2d 437). Partial demolition, however, is viewed as an alteration (*The Committee to Preserve Rhodes Tavern and the Natl. Processional Route v. Oliver T. Carr Company, et al.*, U.S. Court of App. for D.C. Cir., 1979, 79-1457, Dept. Justice Brief for Fed. Appellee).

makes recommendations to the Government of the District of Columbia which, in the judgement of the Commission, are necessary to prevent reasonably avoidable impairment of the public values represented by the areas along which the buildings border. (Shipstead-Luce Act, 46 Stat. 366 as amended (40 U.S.C. 121; D.C. Code 5-410).)

(c) *Georgetown buildings (Old Georgetown Act)*. For buildings to be constructed, altered, reconstructed, or razed within the area of the District of Columbia known as "Old Georgetown", the Commission reviews and reports to the District of Columbia Government on proposed exterior architectural features, height, appearance, color, and texture of exterior materials as would be seen from public space; and the Commission makes recommendations to such government as to the effect of the plans on the preservation and protection of places and areas that have historic interest or that manifest exemplary features and types of architecture, including recommendations for any changes in plans necessary in the judgement of the Commission to preserve the historic value of Old Georgetown, and takes any such actions as in the judgement of the Commission are right or proper in the circumstances. (Old Georgetown Act, Public Law 81-808, 64 Stat. 903 (D.C. Code 5-801).)

(d) *United States medals, insignia, and coins*. On medals, insignia, and coins to be produced by an executive department of the United States including the Mint, the Commission advises as to the merits of their designs which shall be submitted before the executive officer having charge of the same shall approve thereof.

(e) *Heraldic services provided by the Department of the Army*. The Commission upon request advises the Heraldic Branch of the Army upon the merits of proposed designs for medals, insignia, seals, etc. prepared under the authority of the Act of August 26, 1957 to furnish heraldic services to the other departments and agencies of the government.

(f) *Questions of art with which the Federal government is concerned*. When required to do so by the President or by Committees of either House of Congress, the Commission advises generally on questions of art, and whenever questions of such nature are submitted to it by an officer or department of the federal government the Commission advises and comments.

(g) *Commemorative works*. The Commemorative Works Act provides standards for placement of commemorative works on certain

federal lands in the District of Columbia and its environs, and for other purposes; and requires site and design approval of all commemorative works by the Commission of Fine Arts, National Capital Planning Commission, and (as appropriate) the Secretary of Interior or the Administrator of General Services. The sponsoring agencies therefore shall submit designs to the Commission for review and shall provide such design changes as may be required to obtain approval.

§ 2101.2 Relationships of Commission's functions to responsibilities of other government units.

(a) *Projects involving the Capitol building and the Library of Congress*. Plans concerning the Capitol building and the buildings of the Library of Congress are outside the purview of the Commission except as to questions on which the Committees of Congress require the Commission to advise.

(b) *Other Federal government projects*. Officers and departments of the federal government responsible for finally approving or acting upon proposed projects within the purview of the Commission's functions as described in § 2101.1 (a) are required first to submit plans or designs for such projects to the Commission for its advice and comments.

(c) *Projects within the jurisdiction of the District of Columbia government*. The District of Columbia seeks Commission advice on exterior alteration or new construction of public buildings or major public works within its boundaries. The District of Columbia government also shall seek Commission advice on certain private construction requiring building or demolition permits from the D.C. Permit Branch (D.C. Law 5-422). These include certain actions by the District of Columbia government pursuant to either D.C. Law 5-422 or D.C. Law 2-144 within areas subject to the Shipstead-Luce or Old Georgetown Acts (§ 2101.1 (b) and (c)) prior to the issuance of a permit.² Alterations of buildings, demolition, or new construction at individually designated landmarks or within historic districts are further subject to the permit requirements of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144). Upon request, advice will be given on the subject of lot subdivisions.

² Provisions of the Shipstead-Luce Act (§ 2101.1 (b)) do not include full demolition, though partial demolition is viewed as an alteration.

Subpart B—General Organization

§ 2101.10 The Commission.

The Commission is composed of seven members, each of whom is appointed by the President and serves for a period of four years or until his or her successor is appointed and qualified. The Chairman and Vice Chairman are elected by the members. The Commission is assisted by a staff as authorized by the Commission.

§ 2101.11 Secretary to the Commission.

Subject to the direction of the Chairman, the Secretary to the Commission is responsible for the day-to-day operations of the agency and for supervising the staff in its support of the functions of the Commission; for preparing the agenda of Commission meetings; for organizing presentations before the Commission of plans, designs, or questions upon which it is to advise, comment, or respond; for interpreting the Commission's conclusions, advice, or recommendations on each matter submitted to it; for maintaining a liaison with other governmental entities, professionals, and the public; and for maintaining the Commission's records. The Assistant Secretary of the Commission shall carry out duties delegated to him/her by the Secretary and shall act in place of the Secretary during his/her absence or disability.

§ 2101.12 Georgetown Board of Architectural Consultants.

To assist the Commission in carrying out the purposes of the Old Georgetown Act (§ 2101.1 (c)), a committee of three architects appointed for a term of three years by the Commission serves as the Board of Architectural Consultants without expense to the United States. This committee advises the Commission regarding designs and plans referred to it. The Chairman is elected by its members.

PART 2102—MEETINGS AND PROCEDURES OF THE COMMISSION

Subpart A—Commission Meetings

Sec.

- 2102.1 Times and places of meetings.
- 2102.2 Actions outside of meetings.
- 2102.3 Public notice of meetings.
- 2102.4 Public attendance and participation.
- 2102.5 Records and minutes; public inspection.

Subpart B—Procedures on Submission of Plans or Designs

2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings or other structures.

2102.11 Scope and content of submission for proposed medals, insignia, coins, seals, and the like.

2102.12 Responses of Commission to submissions.

Authority: 5 U.S.C., App. 1; OMB Circular No. A-63.

Subpart A—Commission Meetings

§ 2102.1 Times and places of meetings.

Regular meetings of the Commission, open to the public, are held monthly on the third Thursday of the month, beginning at 10:00 o'clock a.m., at its offices in Suite 312, 441 F Street, N.W., Washington, D.C. 20001, except that by action of the Commission a regular meeting in any particular month may be omitted or it may be held on another day or at a different time or place. A special meeting, open to the public, may be held in the interval between regular meetings upon call of the Chairman and five days' written notice of the time and place mailed to each member who does not in writing waive such notice. On all matters of official business, the Commission shall conduct its deliberations and reach its conclusions at such open meetings except as stated in § 2101.12 provided, however, the Commission members may receive staff briefings or may have informal background discussions among themselves and the staff outside of such meetings.

§ 2102.2 Actions outside of meetings.

Between meetings in situations of emergency, the Commission may act through a canvass by the Secretary of individual members, provided that any action so taken is brought up and ratified at the next meeting. In addition, the Commission members may convene away from the Commission's offices to make inspections at the site of a proposed project or at the location of a mock-up for the project and may then and there reach its conclusions respecting such project which shall be recorded in the minutes of the meeting held on the same day or, if none was then held, in the minutes of the next meeting.

§ 2102.3 Public notice of meetings.

Notice of each meeting of the Commission shall be published in the Federal Register.

§ 2102.4 Public attendance and participation.

Interested persons are permitted to attend meetings of the Commission, to file statements with the Commission at or before a meeting, and to appear before the Commission when it is in meeting, provided that an appearance is germane to the functions and policies of the Commission and to the matter or issues then before the Commission, and if the presentation or argument is made in a concise manner, within reasonable time limits and avoids duplicating information or views already before the Commission. A decision of the Chairman as to the order of appearances and as to compliance with these regulations by any person shall be final unless the Commission determines otherwise.

§ 2102.5 Records and minutes; public inspection.

A detailed record of each meeting shall be made and kept which shall contain copies of all written, printed, or graphic materials presented. The Secretary shall have prepared minutes of each meeting which shall state the time and place it was held and attendance by Commission members and staff and which shall contain a complete summary of matters discussed and conclusions reached and an explanation of the extent of public participation, including names of persons who presented oral or written statements; and he shall send a copy to all members of the Commission for their approval. Subsequent to such approval, the minutes shall be certified by the Secretary. The minutes and any completed reports, studies, agenda or other documents made available to, or prepared for or by, the Commission shall be available for public inspection and, at the requesting party's expense, for copying at the offices of the Commission.

Subpart B—Procedures on Submissions of Plans or Designs

§ 2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings, or other structures.

(a) A party proposing a project which is within the purview of the Commission's functions under § 2101.1 (a), (b), or (c) should make a submission when concept plans for the project are ready but before detailed plans and specifications or working drawings are prepared. In order to assure that a submission will be considered at the next scheduled meeting of the Commission, it should be delivered to the Commission's offices not later than

ten (10) working days before the meeting; if it is a project subject to review first by the Georgetown Board, not later than ten (10) working days before the Georgetown Board meeting. The Commission will attempt to consider a submission which is not made in conformity with this schedule, but it reserves the right to postpone consideration until its next subsequent meeting.

(b) (1) Each submission should state or disclose:

(i) The nature, location, and justification of the project, including any relevant historical information about the building or other structure to be altered or razed;

(ii) The identity of the owner or developer (or for public buildings, the governmental unit with authority to approve or act upon the plans) and of the architect;

(iii) The functions, uses, and purpose of the project; and

(iv) Other information to the extent it is relevant, such as area studies, site plans, building and landscape schematics, renderings, models, depictions or samples of exterior materials and components, and photographs of existing conditions to be affected by the project.

(2) Alternative proposals may be included within one submission. The information submitted shall be sufficiently complete, detailed, and accurate as will enable the Commission to judge the ultimate character, siting, height, bulk, and appearance of the project, in its entirety, including the grounds within the scope of the project, its setting and environs, and its effect upon existing conditions and upon historical and prevailing architectural values. Record drawings and photographs will be submitted by the applicant for a permanent Commission record of the submission.

(c) If a project consists of a first or intermediate phase of a contemplated larger program of construction, similar information about the eventual plans should accompany the submission. Even though a submission relates only to approval for razing or removal of a building or other structure, the project will be regarded as part of phased development, and the submission is subject to such requirement.

(d) If the project involves a statue, fountain or a monument within the purview of the Commission under § 2101.1 (a)(2), partial submissions should be made as appropriate to permit the Commission to advise on each aspect of the project as prescribed by the Commemorative Works Act (Pub. L. 99-652, H.R. 4378, 40 U.S.C. 1001).

(e) The Commission staff will advise owners and architects concerning the scope and content of particular submissions. Material relevant to the functions and policies of the Commission varies greatly depending upon the nature, size, and importance of the project to be reviewed by the Commission. Also, it is the policy of the Commission not to impose unnecessary burdens or delays on persons who make submissions to the Commission. However, the Commission at any meeting may decline to reach a conclusion about a proposed project if it deems the submission materials inadequate for its purposes, or it may condition its conclusions on the submission of further information to it at a later meeting or, in its discretion, may delegate final action to the staff.

(f) The Commission staff, members of the Georgetown Board, interested members of the public, or the submitting party may augment any submission by additional relevant information made available to the Commission before or at the meeting where the submission is considered. The staff should also make information available concerning prior considerations or conclusions of the Commission regarding the same project or earlier versions of it.

§ 2102.11 Scope and content of submissions for proposed medals, insignia, coins, seals, and the like.

Each submission of the design for a proposed item which is within the Commission's purview under § 2101.1 (d) should identify the sponsoring government unit and disclose the uses and purpose of the item, the size and forms in which it will be produced, and the materials and finishes to be used, including colors if any, along with a sketch, model, or prototype.

§ 2102.12 Responses of Commission to submissions.

(a) The Commission before disposing of any project presented to it may ask for the proposed plans or designs to be changed in certain particulars and resubmitted, or for the opportunity to review plans, designs, and specifications in certain particulars at a later stage in their development, and to see samples or mock-ups of materials or components; and when appropriate in the matter of a statue or other object of art, the Commission may ask for the opportunity to see a larger or full-scale model. All conclusions, advice, or comments of the Commission which lead to further development of plans, designs, and specifications or to actual carrying out of the project are made in

contemplation that such steps will conform in all substantial respects with the plans or designs submitted to the Commission, including only such changes as the Commission may have recommended; any other changes in plans or designs require further submission to the Commission.

(b) In the case of plans for a project subject to the Old Georgetown Act (§ 2101.1 (c)), if the Commission does not respond with a report on such plans within forty-five days after their receipt by the Commission, its approval shall be assumed and a permit may be issued by the government of the District of Columbia.

(c) In the case of plans for a project subject to the Shipstead-Luce Act (§ 2101.1 (b)), if the Commission does not respond with a report on such plans within thirty days after their receipt by the Commission, its approval shall be assumed and a permit may be issued by the government of the District of Columbia.

(d) In the event that any project or item within the Commission's purview under 2101.1 has not progressed to a substantial start of construction or production within four years following the Commission meeting date on which the final design was approved, the Commission's approval is suspended. The plans or designs previously approved or alternative plans or designs, may thereupon be resubmitted for Commission review. The Commission's subsequent approval, if granted, shall remain in effect for four years.

PART 2103—STATEMENTS OF POLICY

§ 2103.1 General approaches to review of plans by the Commission.

The Commission functions relate to the appearance of proposed projects within its purview as specified herein. These functions are to serve the purpose of conserving and enhancing the visual assets which contribute significantly to the character and quality of Washington as the nation's capital and which appropriately reflect the history and features of its development over two centuries. Where existing conditions detract from the overall appearance of official Washington or historic Georgetown—such as conditions caused by temporary, deteriorated, or abandoned buildings of little or no historical or architectural value, by interrupted developments, or by vacant lots not devoted to public use as parks or squares—the Commission will favor suitable corrections to these conditions. When changes or additions are proposed in other circumstances, the

Commission may consider whether the public need or value of the project or the private interests to be served thereby justify making any change or addition, and it will consider whether the project can be accomplished in reasonable harmony with the nearby area, with a minimum loss of attractive features of the existing building or site, with due deference to the historical and architectural values affected, and without creating an anomalous disturbing element in the public view of the city.

Authority: Pub. L. 81-808, 64 Stat. 903; 40 U.S.C. 72, 104, 106, and 121; E.O. 1259 of October 25, 1910; E.O. 1862 of November 28, 1913; E.O. 3524 of July 28, 1921.

[FR Doc. 97-2386 Filed 1-30-97; 8:45 am]

BILLING CODE 6330-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2 and 15

[ET Docket No. 96-102; FCC 97-5]

Unlicensed NII Devices in the 5 GHz Frequency Range

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission amends its radio frequency devices rules to make available 300 megahertz of spectrum at 5.15–5.35 GHz and 5.725–5.825 GHz for use by a new category of unlicensed equipment, called Unlicensed National Information Infrastructure ("U-NII") devices. These devices will provide short-range, high speed wireless digital communications on an unlicensed basis. We anticipate that U-NII devices will support the creation of new wireless local area networks ("LANs") and will facilitate wireless access to the National Information Infrastructure ("NII"). In order to permit significant flexibility in the design and operation of these devices, we are adopting the minimum technical rules necessary to prevent interference to other services and to ensure that the spectrum is used efficiently. We believe that the rules set forth herein will foster the development of a broad range of new devices and communications options that will stimulate economic development and the growth of new industries. We also expect that this action will promote the ability of U.S. manufacturers, including small businesses, to compete globally by enabling them to develop unlicensed digital communications products for the world market.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

February 1997

EXHIBIT B

MALL STREETScape MANUAL

ARCHITECTURE/ENGINEERING SUBGROUP REPORT

STANDARDIZATION OF SECURITY MEASURES DRAFT

Unlike the normal design issues generally associated with the streetscape (road bed, gutter, curb, sidewalk, tree space, light pole), permanent security measures of the kind and scale the late 20th century requires is fundamentally new. When we think of security, we usually think of bollards. They are, after all, an historic tradition. Bollards have been used for centuries as decorative accents either in defining space or in separating one use from another. However, with respect to current security considerations, the argument for a pat system or formula is debatable. Before subjecting the federal area to a single security system, it should be clearly understood that, unlike street lights, security bollards are not uniformly needed nor in many cases are they the most desirable means to achieve security.

The problem of security is almost always site specific; it must address the needs of individual buildings. In this sense, security is an extension of the building, not an extension of the streetscape. This fact places an extreme and in some instances untenable burden on establishing a standard formula for perimeter security. Building setbacks, landscape elements, and terracing

are often more effective than any other measure, precluding the need for bollards altogether. Simply stated, while bollards are the most obvious they are sometimes the least desirable of a number of useful "security tools". As such, where possible, enlisting the landscape as a passive deterrent should be the measure of choice.

With respect to bollards, individual public buildings, including office and museum complexes, vary in their perceived need for protection. As a result, the criteria for establishing protection may differ from building to building. Additionally, the character, style, scale, size and relationship of a building to the street may dictate measures radically different from the needs of neighboring structures. For example, the "Victorian" bollard and chain system used to protect the south perimeter of the White House along E Street would be inappropriate to the Federal Triangle. This leads to the obvious question: "How many separate bollard designs would be appropriate to the federal area?"

Clearly, where building complexes like the Federal Triangle are concerned, the subject may be more easily addressed. It is a stroke of good luck that GSA (replacing PADC in this instance) will be managing the public space security program for the Triangle as a whole. However, even in this instance, seeking a homogeneous solution may be easier said than done. The Federal Triangle has two principal street frontages, Pennsylvania and Constitution avenues. Although the buildings themselves are more or less of a kind, the two streetscapes are not. Street trees along

Pennsylvania Avenue occupy individual sidewalk grates set back from the curb. The trees on Constitution Avenue, however, are planted within long, unbroken panels of grass. In this light, it may be that the same security measures appropriate for Pennsylvania Avenue would not be found equally appropriate for Constitution Avenue.

Elsewhere in the federal area the prospect of cooperation with GSA is less certain. In general, two entities have jurisdiction over the public right-of-way which includes the sidewalk: the D.C. Department of Public Works and the National Park Service. In addition, there are distinct domains: the White House precinct, the Treasury Department (along with the Bureau of Engraving and Printing), the Smithsonian, the National Gallery, the Holocaust Museum, the Agriculture Department, and the Capitol precinct. These are autonomous entities with fixed criteria on what constitutes protection. Most of these entities may manage more than one building, and these often differ considerably in character, relationship to the street, and vulnerability. A case in point would be the Hirshhorn Museum behind its bastioned perimeter walls as compared to the neighboring and very fragile Arts and Industries Building built directly on the street. Though occupying adjacent sites on Independence Avenue, should they be subject to the same uniform security measures? Of course not. In fact, would it be possible or even desirable to treat the other two "vulnerable" buildings on the north side of Independence Avenue (the Freer and the Department of Agriculture) in the same manner as the Arts and Industries Building?

What is the answer? A first step might be to define and assess the vulnerable "hot spots", anticipating the need as it were. The second step might be to offer several bollard designs with the understanding that new or alternative designs would be considered. The third step is to encourage where possible other means for achieving effective perimeter security.

All solutions must be considered on a case by case basis. The review agencies governing such matters exist. If need be, the functions of the Commission of Fine Arts and the National Capital Planning Commission can be augmented by periodic and timely consultations with the D.C. Department of Public Works, the U.S. Department of Transportation, and the National Park Service. This is a reasonable and time-tested approach to resolving extremely complex issues. Over the long term, a compendium of security designs considered most effective and appropriate, including but not limited to bollards, could be made available over the Internet.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

EXHIBIT C

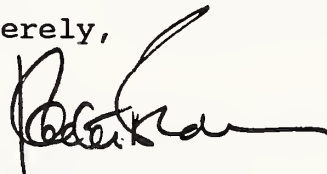
5 March 1997

Dear Mr. Klinedinst:

The Commission reviewed and approved the concept of reopening 8th and F Streets fronting on the National Portrait Gallery at its 20 February 1997 meeting. In discussion with Jack VanDop of the Federal Highway Administration and Jack Finberg of the General Services Administration it became clear that the proposal to repave a six-lane roadbed while retaining the existing sidewalk paving and trees was a reasonable interim plan.

The eventual restoration of historic buildings south of F Street and possible reconstruction of the entrance stairs of the Portrait Gallery should greatly enhance the area. We understand that the Smithsonian will be undertaking a major renovation of the National Portrait Gallery and the Museum of American Art also and that there is discussion about a possible curb-cut for service and a pull-off for the museum entrance. In other words there are projects in the near future which will likely tear up the street again. In the meantime, a number of other projects in the area currently under construction, including the MCI Arena, will also influence development, at which time we will want to revisit F and 8th streets for a final design of the complete streetscape, including sidewalk treatment.

Sincerely,



J. Carter Brown
Chairman

Mr. Gary L. Klinedinst
Division Engineer
U. S. Department of Transportation
Federal Highway Administration
21400 Ridgeway Circle
Sterling, VA 20166-6511

20 February 1997

AGENDA ITEM EXHIBIT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
S.L. 97-12	806 15th Street, N.W. Shoreham Building Associates Shoreham Building	New construction behind historic facades - permit

ACTION: No objection to issuance of permit for proposed reconstruction and alterations to the Shoreham Building. Working drawings conform to approved concept. See previous Action (S.L. 93-90).

S.L. 97-13	1776 D Street, N.W.	Sign scheme
HPA. 97-75	National Society Daughters of the American Revolution	- permit

ACTION: No objection to issuance of permit for proposed sign scheme for the landmark buildings of the National Society of the Daughters of the American Revolution as shown in supplemental drawings received and dated 21 February 1997. Recommend uniform material for all elements of the sign, including ornamental cornice.

S.L. 97-19	3100 Macomb Street, N.W. Washington International School	New arts and athletic facility - conceptual
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ACTION: No objection to concept design for a new performing arts/classroom and athletic facility for the Washington International School at Tregaron. Recommend alternative treatment of the blank facade facing Macomb Street to soften its impact on the neighborhood. Submit working drawings with permit application for review by the Commission when ready.

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
S.L. 97-21	2801 Chesterfield Place, N.W. Peter Halle and Carolyn Lamm Residence	Addition and swimming pool - conceptual

ACTION: No objection to concept design for addition of dining room and new swimming pool as shown in supplemental drawings received and dated 20 February 1997. Submit working drawings, including details of retaining walls and landscape plan, with permit application for review by Commission when ready.

S.L. 97-22	600 Maryland Avenue, S.W. Boston Properties Graduate School	Entry canopy and sign - conceptual
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ACTION: No objection to concept design for proposed alterations to entrance, including canopy, wall and sign for the Graduate School, USDA. Submit working drawings with permit application for review by Commission when ready.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

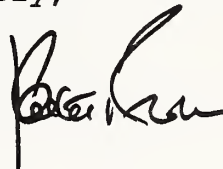
EXHIBIT E

5 March 1997

Dear Mrs. France:

The Commission discussed your 12 February letter during its 20 February 1997 meeting. Your objection to the Holy Trinity skylights is noted with great sympathy and respect for your position. Nevertheless, the Commission sustained the Georgetown Board's approval. The Commission has suggested, however, that the skylights respect the roof plane and that they be tinted to conform with the roof color. We look forward to reviewing these details upon submission of these final working drawings.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Carter Brown", with a stylized flourish at the end.

J. Carter Brown
Chairman

Ruth E. France
1318-35th Street, N.W.
Washington, D.C. 20007

copy: Thomas Kerns, Architect

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

EXHIBIT F

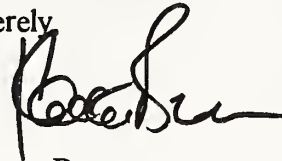
March 5, 1997

Dear Mr. Oppenheimer:

In response to your letter of 11 February 1997, the Commission clearly sympathizes with your frustrations concerning the house at 3245 "O" Street, N.W., in Georgetown. As you know, decisive action was taken by the Commission during its 16 January public meeting when it supported the Old Georgetown Board recommendation to advise the District Government against the issuance of a demolition permit.

In this regard, much as we may personally sympathize with you in this matter, the Commission has followed the letter of the law. Our advice has been transmitted via letter (see attached copy) to the Historic Preservation Review Board as well as the Permit Office and presumably will be brought to the attention of the Corporation Counsel should the need arise. Beyond these official lines of communication, there is little else we can do. However, should the Corporation Counsel initiate a request for a more specific and detailed opinion, the Commission will be happy to respond.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Carter Brown", written over the word "Sincerely,".

J. Carter Brown

Mr. Franz M. Oppenheimer
Swidler & Berlin
3000 K Street, N.W. Suite 300
Washington, D.C. 20007-5116

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

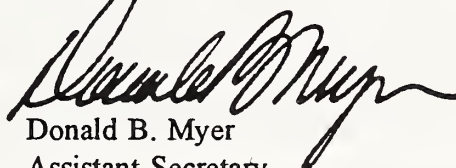
202-504-2200
202-504-2195 FAX

17 January 1997

Dear Mr. Raiche:

In public session, on 16 January 1997, the Commission of Fine Arts adopted the attached "recommendation against" action relating to the permit request for demolition of 3245 O Street, N.W., (O.G. 97-25).

Sincerely,



Donald B. Myer
Assistant Secretary

Mr. Stephen Raiche, Chief
Historic Preservation Office of
The District of Columbia
614 H Street, N.W.
Washington, D.C. 20001

copy: Melaika Roberts

REPORT OF THE OLD GEORGETOWN BOARD
TO
THE COMMISSION OF FINE ARTS

16 January 1997

O.G. 97-25	3245 O Street, N.W.	Raze dwelling
HPA. 97-64	Melakah Roberts	- permit
	Residence	

REPORT: During its public meeting of 2 January 1997, the Board reviewed a proposal for the demolition of 3245 O Street, N.W., a historic dwelling believed by all parties to have been built around 1812. On various occasions, the Board and staff have visited the site and are familiar with its current state. The Board notes that there are several professional reports regarding the property, each agreeing to its historicity and state of deterioration but drawing differing conclusions as to its merit and the practicality of its restoration/ renovation. The Board also notes that the community, including immediate neighbors, the ANC and CAG are unanimous in their opposition to the proposed razing.

The Board believes that this structure retains ample historic fabric. As such, given its age and unusual configuration, it is of considerable worth to the historic district. The Board also believes that despite its current state, the structure is sound and should be restored more or less to its 1927 configuration when the rear one story portion was added.

REPORT, page 2.
O.G. 97-25
3245 O Street, N.W.

The Board recommends the following Action:

ACTION: Recommend AGAINST issuance of permit for proposed razing of this historic ca. 1812 structure. This residential building is considered one of the oldest remaining to Georgetown and, along with its modest scale, deep setback and rare gable front, is a highly contributing element to the historic district. It is determined that sufficient original fabric and sound structure remain to accomplish a worthy renovation, which may include a modest, sympathetic rear addition.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

RECEIVED

DEC 20 1996

RECEIVED BY



Date ____/____/____

Staff _____

Filing Date

12-19-96 COMMISSION OF FINE ARTS

TRANSMITTAL LETTER - COMMISSION OF FINE ARTS

TO: The Commission of Fine Arts

The Accompanying application HPA No. 97-25 and OG No. 97-25 is referred for consideration and appropriate action in accordance with the provisions of D.C. Law 2-144, the Historic Landmark and Historic District, Protection Act of 1978 and in accordance with the following Act(s):

- () The Old Georgetown Act, Public Law 808, 81st Congress
- () The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES

LOT

SQUARE

3245 O St. NW

803

1244

Complies with the
D.C. Zoning
Regulations

The submitted documents were checked
for general compliance of the exterior
features with the D.C. Construction
Codes: no objections to filing with CFA.
This clearance does not constitute an
approval for Building permit.

Cleared to file with CFA
by Permit Information
Branch.

Fee of \$25.00 will
be added to see of
Permit Branch 12/19/96

For Zoning Division

For Structural Section

Chief, Permit Branch

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

Recommendation:

Recommend **AGAINST** issuance of permit for proposed razing of this historic ca. 1812 structure. This residential building is considered one of the oldest remaining to Georgetown and, along with its modest scale, deep setback and rare gable front, is a highly contributing element to the historic district. It is determined that sufficient original fabric and sound structure remain to accomplish a worthy renovation, which may include a modest, sympathetic rear addition.

J. Carter Brown, Chairman

Date

17 Jan 97

Freer Gallery of Art

Smithsonian Institution
Washington, D.C. 20560
TEL. 202.357.4880
FAX 202.633.9105
EXHIBIT G

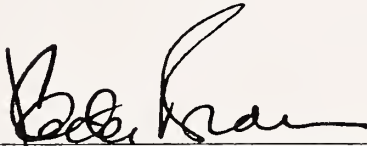
The Regents of the Smithsonian Institution and the Commission of Fine Arts, as provided in Paragraph 4 of the Codicil to the Will of the late Charles Lang Freer, have examined the following:

- 1997.1 *Painting*
Handscroll, Ink and color on paper
Capturing Horses at Koganehara
Japan; Meiji period, early 20th c.
Gift consideration
(V53.96)
- 1997.7ab *Ceramic*
Coffee Pot; porcelain with overglaze enamels
Japan; Meiji period, ca. 1904
Transfer from the study collection
(FSC-P-3880)
- 1997.6 *Ceramic*
Vase; overglaze enamel and gold
Japan; Meiji period, early 20th c.
Taizan workshop in Kyoto
Transfer from the study collection
(FSC-P-2213)
- 1997.5 *Ceramic*
Tea bowl; overglaze enamels
Japan; Meiji period, ca. 1890
Style of Yabu Meizan
Transfer from the study collection
(FSC-P-2208)
- 1997.4 *Painting*
Hanging scroll, Ink and color on silk
Early Spring at a southern lake
Japan; Meiji period, 1906
Artist: Takashima Hokkai (1850-1931)
Transfer from the study collection
(FSC-PA-69)

F1997.3 *Painting*
Hanging scroll, ink and color on silk
Passing Rains on the Bay
Japan; Meiji period, 1906
Artist: Takashima Hokkai (1850-1931)
Transfer from the study collection
(FSC-PA-44)

F1997.2 *Painting*
Hanging scroll, ink and color on silk
Waterfall in the Cascades
Japan; Meiji period, 1906
Artist: Takashima Hokkai (1850-1931)
Transfer from the study collection
(FSC-PA-38)

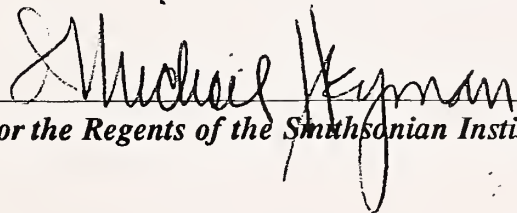
END OF LIST



For the Commission of Fine Arts

20. II. 97

Date



For the Regents of the Smithsonian Institution

4 March 97

Date

